

## **REMARKS/ARGUMENTS**

### ***Status of the Application***

In the Non-Final Office Action, claims 1-6, 8-10, and 12-13 were rejected. In the present response, Claims 1 and 13 were amended. Support for these amendments can be found in the application specification, 3:32-4:3 and 12:10-12:19, respectively.

Thus, claims 1-6, 8-10, and 12-13 are pending. No new matter was added.

### ***Rejections Under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph***

Claim 13 was rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection was based upon alleged unclear and contradictory language in Claim 13 “only onto at least one sub-zone.” Claim 13 as amended makes clear that the surface may have more than one sub-zone to be coated and fewer than all of those existing sub-zones may be coated by this process. Thus, Claim 13 as amended obviates this rejection, so applicants respectfully submit that this rejection should be withdrawn and the claim allowed.

### ***Rejections Under 35 U.S.C. § 102(b)***

Claims 1-3, 5-6, 8-10, and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rattee *et al.* (U.S. Patent No. 4,315,790). Claim 1 was amended so as to obviate these objections.

Rattee cannot anticipate Applicants' process because Rattee requires flexible substrates while Applicant requires non-flexible substrates. Rattee is directed toward a method of decorating flexible substrates, typically fabrics. All of the examples given in Rattee involve the use of cotton fabric, rayon fabric, silk fabric, or some type of cotton-blend fabric (7:61-12:33). The Examiner stated that “fabric or other flexible substrate could be part of an automotive part or fitting, such as car seats or other flexible parts.” The current amendment to Claim 1 avoids that possibility, however, by adding that the substrates to be coated are to be “selected from the group consisting of metals, plastics, fiber-reinforced plastics and composites thereof.” Step a) of Claim 1 also states that the substrate to be used in

the process is to be “selected from the group consisting of automotive bodies, body parts and body fittings.” This combination of a list of part types to be coated and materials to be used creates a set of possible substrates to be coated that are by definition relatively non-flexible.

While metals and plastics can be flexible when used in certain applications, including some automotive applications, because of the definition of an automotive body these materials must necessarily be made in a relatively non-flexible form when used in automotive *bodies*. Those skilled in the art have an understanding that “automotive body parts and fittings” include relatively non-flexible parts made of metals, plastics, fiber-reinforced plastics and composites thereof. For example, in the “BASF Handbook on Basics of Coating Technology,” pages 688-719 attached herewith, certain materials are discussed as those most commonly used in automotive bodies: “the various substrates such as steel, galvanized steel, and aluminum, as used nowadays in the manufacture of vehicle bodies” (Goldschmidt A. & H.J. Streitberger. *BASF Handbook on Basics of Coating Technology*. Hanover, Germany, Vincentz Network, 2003. p. 689). This book also discusses some plastic body parts and fittings that are included in the “automotive body” (therein termed “Exterior Plastic Attachments”), such as bumpers, tailgates, fenders, and mirrors (Goldschmidt & Streitberger. p. 717). This section does not, however, list other, more flexible plastic automotive parts, such as interior components, as being grouped with the automotive body parts and fittings. This illustrates that only the relatively non-flexible exterior components of the vehicle are included as automotive body parts and fittings by those skilled in the art. In addition, the common understanding of “automotive body” describes the non-flexible “box” of a vehicle. The Merriam-Webster Online dictionary defines the “body” of an automobile as “the bed or box of a vehicle on or in which the load is placed,” which clearly excludes the vehicle compartments where flexible materials are typically found and suggests that only non-flexible materials are used (available at <http://www.m-w.com/dictionary/body>).

Thus, as amended to state the types of materials from which the substrates are to be created, Claim 1 refers only to the process of coating relatively non-flexible substrates. Therefore, Rattee does not anticipate the claims of this application as

Rattee is specifically directed to flexible substrates and this application is specifically directed to non-flexible substrates. These rejections as to Claims 1-3, 5-6, 8-10, and 13 should be withdrawn and the claims allowed.

***Rejections Under 35 U.S.C. § 103(a)***

Claims 4 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rattee *et al.* Applicants respectfully traverse these rejections.

As a preliminary matter, Rattee is directed to decorating fabrics (see Summary of Invention of Rattee) while Applicants' process is directed to applying a coating to automotive body components as set forth in Claim 1. Thus, there is a basic lack of obviousness here due to the vastly different fields of invention. In addition, the arguments put forth in the above section responding to the § 102 rejections, that the inventions are directed toward vastly different material types, also apply to these obviousness rejections, further showing a lack of obviousness in view of Rattee.

Claim 4 involves the use of a textured backing so as to give a texture to the coating after backing removal. This is not an obvious design variation to Rattee as it is not taught or suggested therein, so this unsupported rejection should be withdrawn and the claim allowed.

Claim 12 involves the use of the Claim 1 process to impart a transparent sealing coating composition upon the substrate. The Examiner states that this is an obvious design variation of Rattee based on an incorrect statement by the Examiner that some of the Rattee examples, namely Example 12, use no pigment in the process. In fact, Example 12 states that after a pigmentless coating is applied to the backing, "[t]he coated paper is then printed using a non-drying lithographic ink containing 20% copper phthalocyanine" (12:19-12:21). As copper phthalocyanine is a blue pigment, and all of the other examples given also contain a pigment in the coating, all of the Rattee examples utilize a non-transparent coating. In fact, Rattee is a patent for a method of *decoration* of flexible substrates, which itself implies that color is to be used in the process. Thus, not only does Rattee not teach or suggest the use of a transparent coating as described in Claim 12, it actually suggests

against such a use. The rejection as to Claim 12 should therefore be withdrawn and the claim allowed.

**Summary**

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

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